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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ROCCO AWA,  
Plaintiff,  
v.  
CALIFORNIA DEPARTMENT OF  
CORRECTIONS AND REHABILITATION,  
Defendant.

No. C 13-1904 RS (PR)

**ORDER OF DISMISSAL**

Plaintiff has failed to (1) file a complaint, and (2) pay the filing fee of \$350.00, or file an application to proceed *in forma pauperis* (“IFP”), by the Court’s deadline. Accordingly, the action is DISMISSED without prejudice for failing to respond to the Court’s order, and for failure to prosecute, *see* Fed. R. Civ. P. 41(b). Because this dismissal is without prejudice, plaintiff may move to reopen the action. Any such motion **must** contain (1) a complaint, **and** (2) full payment of the filing fee, or an IFP application. The Clerk shall enter judgment in favor of defendant, and close the file.

**IT IS SO ORDERED.**

DATED: June 3, 2013

  
RICHARD SEEBORG  
United States District Judge